

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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GEORGE O. MITCHELL,

Plaintiff,

v.

1:06-CV-993

COUNTY OF RENSSELAER; JACK MAHAR,  
Individually and in his Capacity as the Sheriff  
of the County of Rensselaer, New York; PATRICK  
A. RUSSO, JR., Individually and in his Capacity  
as the Undersheriff of the County of Rensselaer,  
New York; ROBERT R. LOVERIDGE, Individually  
and in his Capacity as the Jail Superintendent of  
the County of Rensselaer, New York; and JOHN/  
JANE DOE 1 through X, said names Being  
Fictitious to Represent Certain Corrections Officers  
Employed at the Rensselaer County Jail,

Defendants.  
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APPEARANCES:

OF COUNSEL:

JEFFREY L. ZIMRING, ESQ.  
Attorney for Plaintiff  
1683 Western Avenue  
Albany, New York 12203

CARTER, CONBOY, CASE, BLACKMORE,  
MALONEY & LAIRD, P.C.  
Attorneys for Defendants  
20 Corporate Woods Boulevard  
Albany, New York 12211

JAMES A. RESILA, ESQ.  
ERICA L. PUTNAM, ESQ.  
WILLIAM J. DECAIRE, ESQ.

DAVID N. HURD  
United States District Judge

**ORDER**

Pursuant to the oral decision of the Court, entered into the record after hearing oral  
argument on June 27, 2007, in Utica and Albany, New York, it is hereby

ORDERED that

1. Defendants' motion for summary judgment is GRANTED except that the request for an award of attorneys' fees is DENIED;

2. The § 1983 claim is DISMISSED;

3. The negligence claim is DISMISSED without prejudice; and

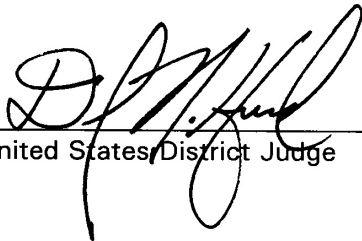
4. The complaint is DISMISSED in its entirety.

The Clerk of the Court is directed to enter judgment accordingly.

IT IS SO ORDERED.

Dated: June 27, 2007

Utica, New York.

  
United States District Judge